

2. New Grant Assurances

- **38. Hangar Construction**
- **39. Competitive Access**
- Effective March 2005



New Assurance

38. Hangar Construction. If the airport owner or operator and a person who owns an aircraft agree that a hangar is to be constructed at the airport for the aircraft at the aircraft owner's expense, the airport owner or operator will grant to the aircraft owner for the hangar a long-term lease that is subject to such terms and conditions on the hangar as the airport owner or operator may impose.



Overview of the Grant Assurances

39. Competitive Access. a. If the airport owner or operator of a medium or large hub airport (as defined in section 47102 of title 49, U.S.C.) has been unable to accommodate one or more requests by an air carrier for access to gates or other facilities at that airport in order to allow the air carrier to provide service to the airport or to expand service at the airport, the airport owner or operator shall transmit a report to the Secretary that-



Overview of the Grant Assurances

39. Competitive Access. (continued)

1. Describes the requests; 2. Provides an explanation as to why the requests could not be accommodated; and 3. Provides a time frame within which, if any, the airport will be able to accommodate the requests.
- b. Such report shall be due on either February 1 or August 1 of each year if the airport has been unable to accommodate the request(s) in the six month period prior to the applicable due date



Related Responsibilities

- **Assurance 22**
- **FAA Order 5190.6A**



ASSURANCE 22a

The sponsor

“...will make its airport available as an airport for public use on reasonable terms, and without unjust discrimination, to all types, kinds, and classes of aeronautical uses.”



Assurance Synergy

Assurance 22 – In general, make space available for aviation use

Assurance 38 – Specifically, make space for aviation hangars

Order 5190.6A Airport Compliance Requirements

- Owner required to lease available space to qualified operators offering aeronautical services to the public

COMMERCIAL AERONAUTICAL ACTIVITIES OFFERING SERVICES TO THE PUBLIC

- **Willingness by the tenant to lease space and invest in facilities is construed as public need for the services to be offered**



Dilemma

Priority Decision

Assurance 22

Vs.

Assurance 38

**Public service projects may
trump self-serving projects, if
justified by public need
and/or airport planning**

New Grant Assurances

End of Topic



New Grant Assurances

Assurance 38 and 39

Discussion

Questions, Comments, Anecdotes



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Location

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END OF TOPIC # 2

New Assurances

